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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,458	05/25/2005	Takeshi Kamata	050335	6475
23850	7590	11/18/2005	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP			NGUYEN, CHAU N	
1725 K STREET, NW			ART UNIT	
SUITE 1000			PAPER NUMBER	
WASHINGTON, DC 20006			2831	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/536,458	Applicant(s) KAMATA ET AL.	
	Examiner Chau N. Nguyen	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/25/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. Figures 13A and 13B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 and 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 2, change "resign" to --resin--.

Claim 2, line 1, change "said first mark" to --of said first marks--.

Claim 2, line 2, change "said second mark" to --of said second marks--.

Claim 5, line 2, change "resign" to --resin--.

Claim 5, lines 3-4, "third marks" and "third color" are vague and indefinite since first, second marks and first, second colors have not been recited.

Claim 10, lines 2-3, "third marks" and "third color" are vague and indefinite since first, second marks and first, second colors have not been recited.

Claims 3, 4, 6, 7, and 11-13 are included in this rejection because of dependency.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (JP06-150730).

Tanaka et al. discloses a covered wire (Figure 1) having an electrical conductive core and a unicolor cover portion of synthetic resin for covering said core comprising: a first mark (33) being formed by coloring a part of an outer surface of said cover portion with a first color; and a second mark (34) being formed by coloring the other part of said outer surface of said cover portion with a second color different from said first color, whereby said first mark and said second mark are disposed alternately with a gap along lengthwise of said covered wire, and a length of said first mark along the lengthwise of said covered wire is longer than that of said second mark along the lengthwise of said covered wire. Tanaka et al. also discloses one of said first marks and one of said second marks being disposed respectively at an end area of said covered wire.

6. Claims 1-3, 8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by JP10-31918 (JP'918).

JP'918 discloses a covered wire (Figure 12) having an electrical conductive core and a unicolor cover portion (12) of synthetic resin for covering said core comprising: a first mark (83) being formed by coloring a part of an outer surface of said cover portion with a first color; and a second mark (82) being formed by coloring the other part of said outer surface of said cover portion with a second

color different from said first color, whereby said first mark and said second mark are disposed alternately with a gap along lengthwise of said covered wire, and a length of said first mark along the lengthwise of said covered wire is longer than that of said second mark along the lengthwise of said covered wire (re claim 1).

JP'918 also discloses one of the first marks and one of the second marks being disposed respectively at an end area of the covered wire (re claim 2) and means (82) for distinguishing wire diameters as capable to distinguish outer diameters of said covered portions (re claims 3 and 12). Claim 8 is method counterpart of claim 1.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 4-7, 9-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP'918.

Re claims 4, 9, and 13, JP'918 discloses means (82), which is the second mark, for distinguishing wire diameters. JP'918 does not disclose the means (the second mark) being divided to plural pieces. However, it would have been obvious to one skilled in the art to modify the means (the second mark 82) of JP'918 to have plural piece to meet the specific use of the resulting covered wire since it has been held that constructing a formerly integral structure into various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Re claims 5-7, 10, and 11, JP'918 discloses a covered wire (Figure 13b) having an electrical conductive core and a unicolor cover portion of synthetic resin for covering said core, comprising a plurality of marks (1) being disposed with a gap therebetween along lengthwise of said covered wire, a plurality of marks provided with plural pieces (0, 0) thereof between a pair of the marks (1) adjacent

to each other. JP'918 in Figure 13b does not disclose the marks (1) and marks (0, 0) being colored with different colors and the marks (0, 0) being used as a means for distinguishing wire diameters. However, JP'918 in Figure 12, discloses a covered wire comprising marks (82 and 83) with different colors and marks (82) being used as a means for distinguishing wire diameters. It would have been obvious to one skilled in the art to color the marks (1 and 0) in Figure 13b of JP'918 with different colors and to use marks (0, 0) as a means for distinguishing wire diameters as already taught by JP'918 in Figure 12.

Cited Art

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baker discloses a covered wire having colored marks on the covering.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chau N Nguyen
Primary Examiner
Art Unit 2831